

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MELISSA C. o/b/o M.J.G.,

Plaintiff,

v.

5:20-cv-01336
(ML)

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

APPEARANCES:

OF COUNSEL:

LAW OFFICES OF KENNETH HILLER, PLLC
Counsel for the Plaintiff
6000 North Bailey Avenue - Suite 1A
Amherst, New York 14226

JUSTIN GOLDSTEIN, ESQ.

SOCIAL SECURITY ADMINISTRATION
Counsel for the Defendant
J.F.K. Federal Building
15 New Sudbury Street
Boston, Massachusetts 02203

LISA G. SMOLLER, ESQ.
Special Assistant United States
Attorney

MIROSLAV LOVRIC, United States Magistrate Judge

**CONSENT ORDER TO REMAND PURSUANT
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by ANTOINETTE T. BACON, Acting United States Attorney for the Northern District of New York, and Lisa G. Smoller, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance of a new decision, may be taken; and Plaintiff, through counsel Justin Goldstein, having

consented to the within order and the requested remand (Dkt. No. 17), and the Court having considered the matter,


IT IS on this 12th day of October, 2021,

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

ORDERED that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: October 12, 2021
Binghamton, New York


Miroslav Lovric
U.S. Magistrate Judge